



Archives

Police Come Out of Drug Raid Empty-Handed[Print Page](#)*Target may have been tipped off***By Bill Rodgers**
SUN Staff WriterPublished:
Thursday, May 20, 2010 11:25 AM MDT

5/20/10

Española Police found something troubling May 12 when they served a search warrant on a suspected methamphetamine lab: nothing.

Española Police Lt. Christian Lopez said he is investigating whether the suspect in the case knew about the raid beforehand.

Española Public Safety Chief Joe Martinez said police had good information going into the raid and he felt confident about the statements provided by a confidential informant. A search warrant states police relied in part on testimony of an informant who was the only person who claimed to have seen drug-making ingredients and firearms inside the Megill Street home.

Other support included complaints from neighbors and an officer's observations of people entering and leaving the home and of an odor he described as "cat urine," which he said is characteristic of a meth lab, according to the warrant's affidavit.

The raid, which involved about 40 Española Police and State Police officers, seemed like a sure thing, Lopez said. Lopez said police secured a warrant for the raid the afternoon of May 11. The "no knock" raid, supported by tactical State Police teams wearing fatigues, went down at 6 a.m. the next morning, but turned up nothing that could be used in a prosecution, according to the investigator.

"It appeared that they were waiting for us," Lopez said.

Lopez said the raid turned up some ingredients that could be used in meth production, such as acetone and lighter fluid as well as tubing. Meters police use to detect chemical buildup characteristic to meth labs detected some chemicals, but altogether it wasn't enough to arrest the owner. An inventory list returned on the warrant states no items were taken from the home.

"We go in there and it's very clean. Literally," Lopez said.

Lopez said there were allegedly weapons in the house and the situation could have turned violent.

According to an online court records database, the only drug-related charges the target of the raid ever faced in New Mexico was a misdemeanor charge of marijuana possession and possession of an open container of alcohol Jan. 11, 2002, in Rio Arriba County Magistrate Court. He pleaded guilty to the charges and paid a \$240 fine.

Lopez thought the information was good, that there were drugs in the house, but that the owner knew in the less than 24 hours it took to serve the warrant that police were coming.

"We have no proof he was tipped off," Lopez said. "Nothing definite. We're looking into that. We want to prove that before we say, 'Yeah, he was tipped off.'"

Exhibit A

Lopez would not go into details about that investigation.

When asked about the credibility of the informant, Martinez said that for an informant to be used in an affidavit, they would have to prove their reliability to police by giving them good information in the past.

However, prior to that Martinez said that a problem with working with informants is that sometimes they "never know whose side they're on."

The chief declined to comment on any Department policies governing the use of informants in an investigation. He also said he'd rather not answer a question of what kind of compensation informants receive for their tips.

Lopez said the investigation into the meth lab complaints is still ongoing, and Martinez stated the equipment used in making methamphetamine is easy to take down and move.

State District Judge Sheri Raphaelson signed off on the search and authorized the "no knock" distinction because of evidence of firearms in the home.

The affidavit alleges the following:

Española Police Officer Robert Vigil was contacted by two concerned law enforcement entities in reference to the person who lived in the home. They alleged the resident sells drugs from the residence and was possibly cooking methamphetamines there. They further alleged there were complaints about a chemical smell from the resident and constant traffic in and out of the residence.

The affidavit does not specify who the entities are.

A male and a female lived in the residence.

Vigil observed a "substantial" amount of traffic going and coming from the residence. He said the vehicles arrived at the home, and the people inside exchanged items at the front door and usually left in under five minutes, which he states is common for drug dealing.

Vigil observed a strong "urine" odor coming from the residence, which he states is common for a meth lab.

The confidential informant, who is described as a "good and reliable source" visited the home and observed a "flask, heating elements, empty boxes of cold and allergy medication and acetone," which are ingredients in the production of meth.

The informant said the individuals inside admitted to cooking the drug in the house.

The informant also observed firearms, which included an unknown type of assault rifle.

Police also spoke to someone who claimed the smell from the house made them sick. They described the smell as a "sweet, chemical-type odor."

Copyright © 2010 - Rio Grande Sun

[x] Close Window

Exhibit A